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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,031	01/07/2002	Daniel M. Lewin	12293.69	2631

50086 7590 12/15/2005

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EXAMINER

SCUDERI, PHILIP S

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/041,031

Applicant(s)

LEWIN ET AL.

Examiner

Philip S. Scuderi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This office action is in response to applicant's amendment, filed 9/23/2005.

#### *Drawings*

The examiner has withdrawn the objections to the drawings because applicant's amendments have overcome the objections.

#### *Specification*

The examiner has withdrawn the objections to the specification because applicant's amendments have overcome the objections.

#### *Claim Objections*

The examiner has withdrawn the objections to the claims because applicant's amendments have overcome the objections.

#### *Claim Rejections - 35 USC § 112*

The examiner has withdrawn the rejections under 35 USC § 112 because applicant's amendments have overcome the rejections.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the

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subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leighton et al. (US 6,108,703, hereinafter "Leighton") in view of Underwood (US 6,523,027).

Regarding claim 1, Leighton discloses a method operative in an Internet content delivery network (ICDN) having a set of content servers organized into regions and that provides delivery of Internet content on behalf of participating content providers, wherein the Internet content delivery network is managed by an Internet content delivery network service provider distinct from the participating content providers (column 6 lines 15-24; an ISP distinct from Content Providers that normally host pages), comprising:

having the Internet content delivery network service provider establish a CDN region comprising a surrogate origin server, and wherein the CDN region is managed by the Internet content delivery network service provider as part of the ICDN (column 5 line 42 - column 6 line 19);

responsive to a request for given Internet content originating from an end user, mapping the end user to a preferred CDN region that is likely to host the given Internet content (column 5 lines 33-41); and

serving the given Internet content from the preferred CDN region (column 6 lines 24-28).

Leighton does not disclose that a hosting server (i.e., CDN region) is within a firewall of an enterprise. Nonetheless, arranging a publicly accessible content delivery node within a firewall of an enterprise was well known, as evidenced by Underwood. In a similar art, Underwood discloses a

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caching server arranged in the demilitarized zone of an enterprise, behind a screening firewall (see figure 125).

Leighton's caching system is far more efficient than traditional schemes (Leighton, column 3 lines 54-57). Since Underwood's system is a traditional caching scheme, one of ordinary skill in the art would have been motivated to locate CDN regions within the firewall of the enterprise disclosed by Underwood, thereby providing a more efficient caching system, as discussed above.

Regarding claim 2, Leighton further discloses that the CDN region is managed by importing control data from the Internet content delivery network (ICDN) into the CDN region to determine how the given Internet content is to be handled on the surrogate origin servers (column 5 lines 60-67; the servers can contain DNS instructions distributed by the ICDN).

Regarding claim 3, Leighton further discloses that the CDN region is managed in part by exporting given data from the CDN region to the ICDN, wherein the given data is usage data (DNS routing instructions).

Regarding claim 4, Underwood further discloses that the caching server serves internal enterprise content (column 313 lines 9-24; any content sent to the internal network such as content requested by internal users).

Regarding claim 5, Leighton further discloses publishing the internal enterprise content to the CDN region from a given location (column 6 lines 20-28; from the content providers)

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Regarding claim 6, Underwood's DMZ is publicly accessible (column 312 lines 31-39) which implies using the public IP address space.

Regarding claim 8, Leighton-Underwood teaches the method as applied to claim 1. By hosting the web content the providers tag content for delivery to requesting clients (Leighton, column 6 lines 20-28).

Regarding claim 9, the server within Underwood's public IP address space is part of the ICDN and is therefore ICDN-aware.

Regarding claim 10, the claim is rejected for the reasons discussed above with respect to claims 1 and 6.

### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the

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mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

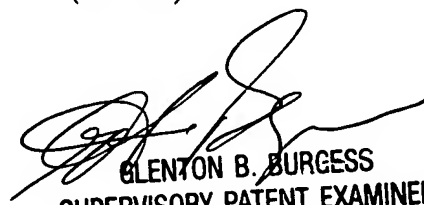
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PSS

  
GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
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